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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/938,907	
	Filing Date	August 24, 2001	
	First Named Inventor	DAVIS, Brad	
	Art Unit	2645	
	Examiner Name	SING, S.	
Total Number of Pages in This Submission	9	Attorney Docket Number	UTL 00011

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan T. Velasco, Esq. Reg. No.: 42,200 KYOCERA WIRELESS CORP.
Signature	
Date	APR 12, 2005

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Signature		Date	APRIL 12, 2005

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Attorney Docket No.: UTL 00011

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): DAVIS, Brad	Group Art Unit: 2645
Application Serial No.: 09/938,907	Examiner: SING, S.
Filed: August 24, 2001	Conf. No.: 3331
Title: METHOD AND APPARATUS FOR ASSIGNING DATA RATE IN A MULTICHANNEL COMMUNICATION SYSTEM	

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment and Response is submitted in response to the Office action dated January 13, 2005, in the above-referenced patent application. Please enter and consider the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

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